

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

-----X  
In re :  
 : Chapter 13  
 HOLLY L. FRY, :  
 : Bankruptcy No. 20-12728 (MDC)  
 Debtor. :  
-----X

**THE CITY OF PHILADELPHIA’S  
OBJECTION TO THE PROPOSED FIRST AMENDED CHAPTER 13 PLAN**

TO THE HONORABLE MAGDELINE D. COLEMAN:

AND NOW, comes the City of Philadelphia, (the “City”), a secured creditor in the above-captioned case, by and through its Counsel, Pamela Elchert Thurmond, Deputy City Solicitor, pursuant to Bankruptcy Code §§ 506(b), 1325(a)(5), and L.B.R. 3015-4, to object to the proposed first amended Chapter 13 plan (the “Plan”), of the above-captioned debtor, (the “Debtor”). The City avers the following in support thereof:

1. On June 22, 2020, the Debtor filed a voluntary petition (the “Petition”) for Chapter 13 bankruptcy with this Court.
2. On June 22, 2020, the Debtor filed a list of all real property owned by her, which included the property located at 2218 E. Cumberland Street, Philadelphia, Pennsylvania (the “Subject Property”). A copy of the Debtor’s Schedule A/B is attached hereto as **Exhibit A**.
3. The Debtor values the Subject Property at Two Hundred Ninety-Four Thousand Six Hundred Fifteen Dollars (\$294,615.00). See **Exhibit A**.
4. On October 1, 2020, the City filed a secured claim in the amount of Seven Thousand Three Hundred Seven Dollars and Forty-Four Cents (\$7,307.44) for unpaid

water debt in connection with the Subject Property (the “Water/Sewer Claim”). A copy of the proof of claim filed by the City is attached hereto as **Exhibit B**.

5. As neither the Debtor nor another party in interest has objected to the Water/Sewer Claim, it is deemed allowed. See 11 U.S.C. § 502(a).

6. On July 10, 2020, the Debtor filed the Plan, which provides a payment in the amount of Five Thousand Dollars (\$5,000.00) towards the Secured Claim. A copy of the Plan is attached hereto as **Exhibit C**.

7. The Plan should not be confirmed as the City, a secured creditor, has not accepted the plan. See 11 U.S.C. 1325(a)(5)(A).

8. The Plan should not be confirmed as it fails to specify correct payment, and thus does not ensure that distributions under the plan are not less than the allowed amount of the Water/Sewer Claim. See 11 U.S.C. §§ 506(b), 1325(a)(5)(B)(ii).

WHEREFORE, the City respectfully requests that this Court DENY confirmation of the Plan.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: October 8, 2020

By: /s/ Pamela Elchert Thurmond  
PAMELA ELCHERT THURMOND  
Deputy City Solicitor  
PA Attorney I.D. 202054  
Attorney for the City of Philadelphia  
City of Philadelphia Law Department  
Municipal Services Building  
1401 JFK Boulevard, 5<sup>th</sup> Floor  
Philadelphia, PA 19102-1595  
215-686-0508 (phone)  
Email: Pamela.Thurmond@phila.gov